



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

CRS

Docket No: 3711-98

26 August 1999

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 3 August 1999. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Navy on 9 October 1985 at age 22. Prior to the offenses for which you received a bad conduct discharge, you were convicted by a special court-martial on 27 June 1986 of a one day period of unauthorized absence, being drunk on duty and assault.

A second special court-martial convened on 6 April 1987 and found you guilty of an unauthorized absence of 108 days and use of marijuana and cocaine. The court sentenced you to confinement for 90 days, forfeitures of \$300 per month for three months, reduction in rate to E-1, and a bad conduct discharge.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth and immaturity and the contention that it was the Navy's fault that you used drugs. However, the Board concluded that these factors were not sufficient to warrant recharacterization of your discharge due to your use of drugs, and since your total period of unauthorized absence was more than three months. In this regard, there is no

evidence and you have presented none that the Navy caused you to use drugs. Based on the foregoing, the Board concluded that no change to the discharge is warranted. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director